

GOVERNMENT OF TELANGANA

ABSTRACT

Tribal Welfare Department – Telangana State – Adilabad District – Issue of Agency Area Local ST Certificates under G.O. Ms.No.24 of dt.12.6.2018 of TW (LTR.1) Department – Declaration of Rathod Mamatha D/o Shesherao as not local ST of agency area of Adilabd District by the Collector & District Magistrate, Adilabad District vide Procgs. Rc.No.C3/2596/2019-49, dated 31.01.2020 - Appeal filed by Rathod Mamatha D/o Shesherao R/o Ch.Khanapur village of Adilabad Rural Mandal of Adilabad District – Appeal allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 4

Dated: 12-01-2021

Read the following:-

1. GO Ms.No.24, TW (LTR.1) Department, dated 12.6.2018.
2. Procgs. Rc.No.C3/2596/2019-49, dated 31.01.2020 of the Collector & District Magistrate, Adilabad District.
3. Appeal petition filed by Rathod Mamatha D/o Shesherao R/o Ch.Khanapur village of Adilabad Rural Mandal of Adilabad District, dated 25.02.2020.
4. Govt.Memo.No.304/TW.LTR/2020, dated 05.06.2020
5. Lr.Rc.No.D5/309/2018, dated: 30.07.2020 of the PO, ITDA, Utnoor, Adilabad District.
6. Notice No.304/TW.LTR/2020, dt. 28.08.2020.

ORDER:

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders under reference 1st read above, the District Collector, Adilabad District vide her orders in the reference 2nd cited, has issued orders declaring that Rathod Mamatha D/o Shesherao R/o Ch.Khanapur village of Adilabad Rural Mandal of Adilabad District is not a local ST as per definition of G.O.Ms.No.24, TW (LTR.1) Department, dt.12.06.2018, basing on the following findings of the Scrutiny Committee:

- Rathod Mamatha D/o Shesherao R/o Ch.Khanapur village of Adilabad Rural Mandal appeared before the Committee on 21.11.2019 and submitted the following documents:
 - 1358 Fasli in favour of Jaithu bearing Sy.No.28 situated at Chinthalbori village of Boath Mandal.
 - 1954-55 Khasra Pahani in favour of Jaithram S/o Ratansingh bearing Sy.No.28 situated at Chinthalbori village of Boath Mandal.
 - 1962-65 Pahani in favour of Jaithram S/o Ratansingh bearing Sy.No.28 situated at Chinthalbori village of Boath Mandal.
 - 1965-66 to 2018-19 pahani in favour of Somla S/o Jaithu bearing Sy.No.6 situated at Ch.Khanapur village of Adilabad Rural Mandal.

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- Scrutiny Committee in its final hearing on 6.12.2019 concluded with the following findings:
 - The Tahsildar, Adilabad Rural has not issued any Agency Area Certificate due to non-submission of since 1950.
 - As per the family tree:
 - Jaithuram S/o Rathan Singh has 4 sons namely 1) Rathod Baliram 2) Rathod Somla 3) Rathod Babu and 4) Rathod Kaluram.
 - Most habitants of Chichdhari Khanapur village which is an old village inhabited mainly by Gonds, Kolams and some SCs in the 1950s.
 - Looking at the 1954-55 Khasra pahani, it is clear that the Pattedar was a Jagirdar who is Muslim & absentee landlord and other Pattedars all belong to Gonds/Kolam community.
 - It is clear that the migration of the Banjara/Lambada community started from around 1964-65 from different villages to Chichdari.
 - The candidate in question has also clearly produced records of her grandfather Somla only from the year 1965-66 – it is clear that the family of the applicants has migrated to this village Chichdhari and is not original residents of it.
 - To prove that her grandfather migrated from Chinthalbori village of Boath Mandal, she has produced land records in the name of one Sri Jaithu. But, her great grandfather is Jaithuram. Hence, there is no direct documentary evidence to prove that her forefathers resided in agency area before 1964-65 of Boath Mandal.
 - But as seen in pahani copy of 2000-01, the above land was mutated in the name of Mohan Singh S/o Jaithuram which means Mohan Singh also one of the son's Jaithuram.
 - Hence, the family tree details claimed by the candidate is not corresponding to land documents submitted hence rejected. This also raises serious suspicion that false family tree is fabricated to prove residence from 1950. This amounts to using unscrupulous means to manipulate and this is a case of cheating before an Executive Magistrate.
 - The candidate has not produced any related documents in having agricultural lands in her forefathers since 1950 or having any possession or cultivated the agricultural lands in the notified village in forefathers.
- A show cause notice was issued to Rathod Mamatha D/o Shesherao R/o Ch.Khanapur village of Adilabad Rural Mandal and directed to attend before the District Collector, Adilabad on 31.01.2020 to prove her claim as Local ST with relevant material/documents.

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- Accordingly, Rathod Mamatha D/o Shesherao R/o Ch.Khanapur has attended before the Dist. Collector, Adilabad on 31.01.2020 and produced land records in the name of Jaithu, as per family tree submitted by the candidate before the scrutiny committee her great grandfather is Jaithuram and he has four sons namely (i) Rathod Baliram (ii) Rathod Somla (iii) Rathod Babu (iv) Rathod Kaluram. But as seen in pahani copy of 2000-01, the land in Sy.No.28 situated at Chintalbori village of Boath Mandal was mutated in the name of Mohan Singh S/o Jaithuram, which means Mohansingh also one of the sons of Jaithuram in the family tree submitted by the candidate. Moreover, if Jaithram S/o Rathansingh is considered as great grandfather of the applicant, the land other evidences submitted by the applicant from 1962-63 only. The relationship between Mohansingh and her father Shesharao is not established. After verification of written statement submitted by the candidate in reply to the show cause notice No.C3/2596/2019-49, dt.13.01.2020, it is observed that the applicant has herself admitted that her grandfather namely Jaithuram S/o Rathansingh have (5) sons including Mohansingh S/o Jaithuram but (4) sons namely (i) Rathod Baliram (ii) Rathod Somla (iii) Rathod Babu (iv) Rathod Kaluram are migrated in the year 1964-65 from Chintalbori of Boath Mandal to Chichdhari Khanapur of Adilabad Mandal, but Mohan Singh was not migrated, hence not included in their family tree. It is unbelievable to support the argument/claim of applicant. So, the above observations of the Scrutiny Committee are found valid. Moreover, the candidate has not produced any other documentary evidence to prove residence in Agency area of her forefathers since 1950.

3. Aggrieved by the above declaration orders of the Collector & District Magistrate, Adilabad District, the Appellant Rathod Mamatha D/o Shesherao R/o Ch.Khanapur village of Adilabad Rural Mandal of Adilabad District vide ref. 3rd read above, has filed an Appeal before the Government under GO Ms.No.24, dt.12.6.2018, TW (LTR.1) Department. The contentions of Mamatha D/o Shesherao, Mandal and the documents submitted along with the Appeal and also during hearing on 5.9.2020 are as follows:

- i) As per Family Tree duly confirmed by Sarpanch and other village elders:
 - Rathod Jaythu (Jaithuram) S/o Rathansingh is great grandfather of appellant. He has five sons namely i) Baliram 2) Somla (grandfather of appellant) 3) Babu 4) Mohansingh and 5) Kaluram.
 - Rathod Somla (grandfather of appellant) has five sons namely 1) Shesharao (father of appellant 2) Maniram 3) Ravindar 4) Raghunath and 5) Janardhan.
 - Rathod Shesharao (father of appellant) has 3 daughters and 1) son namely 1) Mamatha (daughter and appellant herein) 2) Vanitha (daughter) 3) Sunitha (daughter) and 4) Yogeshwar (son).

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- ii) Fasli 1358 (year 1948) – village: Chintalbori – Taluka: Boath – Dist. Adilabad – Sy.No.28 – total extent was 22.25 acres – Govt. land – 50% of the extent was under cultivation by Jaytha (great grandfather of appellant).
- iii) Khasra Pahani for the year 1954-55 – shows name of Jaithuram S/o Ratansingh (great grandfather of appellant) R/o Pardi village.
- iv) Pahani for the year 1961-62 – village: Chintalbori – Taluq: Boath Taluq - shows name of Jaithuram S/o Ratansingh (great grandfather of appellant) in Sy.No.28/A for an extent of Acs.2.28 gts.
- v) Pahani for the year 1962-63, 1964-65 – village: Chintalbori – Boath Taluq – shows name of Jaithuram S/o Ratansingh (great grandfather of appellant) in Sy.No.28/A for an extent of Acs.2.28 gts.
- vi) Pahani for the year 1967-68 – village: Chintalbori – Boath Taluq – shows name of Jaithuram S/o Ratansingh (great grandfather of appellant).
- vii) Pahani for the year 1976-77 – village: Chintalbori – Boath Taluq – shows name of Jaithuram S/o Ratansingh (great grandfather of appellant) for an extent of acs.2.28 in Sy.No.28/A.
- viii) Pahani for the year 1978-79 – shows name of Somla S/o Jaithu (grandfather of appellant) for an extent of acs.3.00 in Sy.No.6.
- ix) Pahani for the year 1980-81 – shows name of Somla S/o Jaithu (grandfather of appellant) for an extent of acs.8.00 in Sy.No.6.
- x) Pahani for the year 1981-82 – Ch.Khanapur village – Adilabad Taluq – Adilabad Dist. – shows name of Somla S/o Jythu (grandfather of appellant) for an extent of acs.5.20 gts in Sy.No.6.
- xi) Pahani for the year 1984-85 - Ch.Khanapur village – shows name of Somla S/o Jaithu (grandfather of appellant) in Sy.No.6.
- xii) Pahani for the year 1986-87 – Chintalbori village – Boath Mandal – shows name of Mohansingh S/o Jaithram (younger brother of grandfather Somla) for an extent of acs.2.28 gts in Sy.No.28/A.
- xiii) Pahani for the year 1995-96 – village: Khanapur – Adilabad Mandal – Rathod Somla S/o Jaithu (grandfather of appellant) for an extent of acs.2.00 in Sy.No.6.
- xiv) Pahani for the year 1996-97 – Chintalbori village – Boath Mandal – shows name of Mohansingh S/o Jaithuram (younger brother of grandfather Somla) for an extent of acs.2.28 gts in Sy.No.28/A.
- xv) Pahani for the year 2000-2001 – shows name of Rathod Somla S/o Jaithu (grandfather of appellant) for an extent of acs.5.30 in Sy.No.6/3.

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- xvi) Pahani for the year 2004-2005 – Chintalbori village – Boath Mandal – shows name of Mohansingh S/o Jaithuram (younger brother of grandfather Somla) for an extent of acs.2.28 gts in Sy.No.28A.
- xvii) Pahani for the year 2005-2006 – village: Ch.Khanapur – Adilabad Mandal - shows name of Rathod Somla S/o Jaithu for an extent of acs.5.30 in Sy.No.6/3.
- xviii) Pahani for the year 2009-2010 village: Ch.Khanapur – Adilabad Mandal – shows name of Rathod Somla S/o Jaithu for an extent of acs.5.30 in Sy.No.6/3.
- xix) Pahani for the year 2009-2010 – Chintalbori village – Boath Mandal – shows name of Mohansingh S/o Jaithuram (younger brother of grandfather Somla) for an extent of acs.2.28 gts in Sy.No.28/A.
- xx) Pahani for the year 2019 – village: Ch.Khanapur – Adilabad (Rural) Mandal – shows name of Rathod Somla S/o Jaithu (grandfather of appellant) for an extent of acs.5.12 gts in Sy.No.6/3.
- xxi) PPB No.T13010370174 – Khata No.84 – issued to Sri Rathod Somla S/o Jaithu – village: Chichdari Khanapur – Adilabad (Rural) Mandal – showing an extent of acs.5.12 in Sy.No.6/3.
- xxii) Pahani for the year 2017 – village: Ch.Khanapur – Mandal: Adilabad (Rural) – shows name of Rathod Somla S/o Jaithu (grandfather of appellant) for an extent of Acs.5.12 in Sy.No.6/3.
- xxiii) Pahani for the year 2019 – village: Chintalbori – Boath Mandal – shows name of Mohansingh S/o Jaithuram (younger brother of grandfather Somla) for an extent of acs.2.28 gts in Sy.No.28/A.
- xxiv) Voter list for the year 1977 – 242 Adilabad Assembly Constituency – village: Khanapur – Firka: Jainad, Taluq Adilabad – shows name of Somla S/o Jaithuram (grandfather of appellant) at Sl.No.37 under H.No.1-27A.
- xxv) Migration Certificate bearing Rc.No.C/601/2018, dt.02.11.2018 – wherein it was certified that on the strength of the certifications made by the Village Revenue Officer, Chinthalbori (Pardi-B) and Mandal Revenue Inspector, Boath Mandal that Rathod Mamatha D/o Shesha Rao R/o Chichdhari Khanapoor village of Adilabad Rural Mandal Dist. Adilabad Telangana belongs to ST Sub-Caste Lambadies. Her forefather Sri Rathod Jaithuram S/o Rathan Singh residing in Chinthalbori (Pardi-B) village of Boath Mandal from 1950 to 1964. After, her grandfather Sri Rathod Somla S/o Jaithuram migrated to Chichdhari Khanapoor village of Adilabad Rural Mandal, Dist. Adilabad.
- xxvi) Community, Nativity & Date of Birth Certificate dt.26.06.2014 issued by Tahsildar, Adilabad to Kumari Rathod Mamatha D/o Shesha Rao certifying that she belongs to ST Lambadis Sl.No.29 community, native is Khanapur village and Date of Birth is 06.09.1993.

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4. Vide reference 4th read above, the District Collector, Adilabad has been requested to submit original record pertaining to the case along with para-wise remarks.

5. Accordingly, vide reference 5th read above, the PO, ITDA, Utnoor, Adilabad District has submitted original record of the case along with para-wise remarks.

6. Vide reference 6th read above, a Notice has been to the Appellant to attend for hearing on 05.09.2020 at 11.00 AM before the Government to prove her claim along with documentary evidences. Accordingly, the Appellant has attended for hearing on 05.09.2020 submitted documents in support of her claim that they have been residing in the Agency Area since 26.1.1950.

7. Government after careful examination of the documents available on record sent by the the PO, ITDA, Utnoor, Adilabad District, and documents submitted by the Appellant and along with the Appeal Petition, during hearing on 5.09.2020 and also in the light of the interim orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh passed in IA No.1 of 2018 in WP No.31426 of 2018, dated 5.9.2018 and in IA No.1 of 2018 in WP No.32413 of 2018, dated 14.9.2018, it is found that the appellant Rathod Mamatha D/o Shesha Rao R/o Chichdhari Khanapur have been the continuous residents of Agency villages of Adilabad District i.e. from 1950 to 1964 in Chinthalbori (Pardi-B) village of Boath Mandal and from 1964 to till date Chichdhari Khanapoor village of Adilabad Rural Mandal in Adilabad District.

8. Accordingly, Government hereby set aside orders of the Collector & District Magistrate, Adilabad District in Procs. Rc.No.C3/2596/2019-49, dated 31.01.2020 and allow the Appeal filed by the appellant Rathod Mamatha D/o Shesharao R/o Ch.Khanapur of Adilabad Rural Mandal of Adilabad District and declaring her as local ST of Agency village of Ch. Khanapur of Adilabad Rural Mandal in Adilabad District.

9. The Collector & District Magistrate, Adilabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr. CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT**

To

The Collector & District Magistrate, Adilabad District.

Rathod Mamatha D/o Shesharao R/o Ch.Khanapur of Adilabad Rural Mandal of Adilabad District

Copy to:

1. The Secretary, Telangana State Public Service Commission, Hyderabad (for information & necessary action)
2. The Project Officer, ITDA Utnoor, Adilabad District (for information & necessary action)
3. The District Educational Officer, Adilabad (for information & necessary action)
4. The PS to Hon'ble Minister for ST Welfare for information.
5. The PS to Secretary (TW)
SF/SC

//FORWARDED :: BY ORDER//

SECTION OFFICER